

REMARKS / ARGUMENTS

The present application includes pending claims 1-31, all of which have been rejected. Claims 1, 11, and 21 have been amended. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 1-31 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Publication № 2001/0018771, issued to Walker et al. ("Walker"). The Applicant respectfully traverses these rejections at least based on the following remarks.

REJECTION UNDER 35 U.S.C. § 102

I. Walker Does Not Anticipate Claims 1-31

The Applicant first turns to the rejection of claims 1-31 under 35 U.S.C. 102(b) as being anticipated by Walker. With regard to the anticipation rejections under 102(b), MPEP 2131 states that "[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See *id.* (internal citation omitted).

A. Rejection of Independent Claims 1, 11, and 21

With regard to the rejection of independent claim 1 under 35 U.S.C. § 102(b), the Applicant submits that Walker does not disclose or suggest at least the limitation of “delivering the broadcast television program **along with** at least one synchronized functionality associated with the broadcast television program, the broadcast television program and said at least one synchronized functionality for display on a television screen within a home, said at least one synchronized functionality comprising at least one user-selectable option, and **wherein said at least one synchronized functionality originates from the same location as the broadcast television program,**” as recited by the Applicant in independent claim 1 (emphasis added).

The Final Office Action states the following:

With respect to Claim 1, the claimed “delivering the broadcast television program along with at least one synchronized functionality associated with the broadcast television program, the broadcast television program and said at least one synchronized functionality for display on a television screen within a home” is met by Walker et al. that teach a system in which broadcast television programs are delivered to a television receiver 30 which displays the received content to a viewer 80, along with supplemental information synchronized with the events occurring within a particular video program, on an integrated display (Figs. 1 & 2; and paragraph [0020], [0030], [0040], [0042], [0055]).

See the Final Office Action at pages 2-3. The Examiner relies for support on Figures 1-2 and ¶¶ 0020, 0030, 0040, 0042, and 0055 of Walker. The Examiner has equated Applicant’s “synchronized functionality” with Walker’s “supplemental information.”

Walker, at ¶¶ 0020 and 0055, discloses that the video information and the supplemental information may be displayed on the same monitor (e.g., integrated display device 50 in FIG. 3). However, the Applicant points out that the **video information and the supplemental information are delivered separately**, which can be clearly seen in Walker's FIG. 1 (the video source 10 communicates the video information and the supplemental information is delivered via the computer data communication network 20).

Walker, at ¶ 0030, discloses that the supplemental information is received via an Internet web site (i.e., **separately** from the video information from the video source 10), and it is displayed at a computer monitor, which is **separate** from the TV receiver used for displaying the video information.

Walker, at ¶ 0040, discloses that the supplemental information is synchronized to the video program.

Walker, at ¶¶ 0041-0042, discloses that a television receiver 30 may receive a video program from a video source 10 and display the received video program to the viewer 80. See Walker at FIG. 1 and ¶¶ 0041-0042. Walker also discloses that the viewer 80 may access supplemental information **separately** via the web server 70. The supplemental information is then sent (**separately** from the video broadcast by the video source 10) to the viewer 80 in the form of a web page for display on the personal computer 40. In this regard, **Walker does not disclose or suggest that the**

broadcast television program is delivered along with at least one synchronized functionality associated with the broadcast television program, as recited in Applicant's claim 1. With regard to the video program sent from the video source 10, Walker discloses that program identification information 30 and synchronization information 32 may also be communicated to the viewer 80. The viewer 80 then provides the received information 30 and 32 to the web server in order to obtain the supplemental information. In this regard, **the video program received from the video source 10, including the identification information 30 and the synchronization information 32, does not include any user-selectable options**, as recited by the Applicant in claim 1.

Furthermore, as already illustrated by the above argument, Walker's broadcast television program is delivered separately from, and not from the same location, as the "synchronized functionality." In other words, Walker's "at least one synchronized functionality" does not originate from the same location as Walker's "broadcast television program."

Therefore, the Applicant maintains that Walker does not disclose or suggest at least the limitation of "delivering the broadcast television program along with at least one synchronized functionality associated with the broadcast television program, the broadcast television program and said at least one synchronized functionality for display on a television screen within a home, said at least one synchronized functionality comprising at least one user-selectable option, and wherein said at least one

synchronized functionality originates from the same location as the broadcast television program,” as recited by the Applicant in independent claim 1.

Accordingly, independent claim 1 is not anticipated by Walker and is allowable. Independent claims 11 and 21 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 11 and 21 are also allowable over the references cited in the Office Action at least for the reasons stated above with regard to claim 1.

B. Rejection of Dependent Claims 2-10, 12-20, and 22-31

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11, and 21 under 35 U.S.C. § 102(b) as being anticipated by Walker has been overcome and requests that the rejection be withdrawn. Additionally, claims 2-10, 12-20, and 22-31 depend from independent claims 1, 11, and 21, respectively, and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 1-31.

In general, the Final Office Action makes various statements regarding claims 1-31 and the cited reference that are now moot in light of the above. Thus, the Applicant will not address such statements at the present time. However, the Applicant expressly

reserves the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

CONCLUSION

Based on at least the foregoing, the Applicant believes that all claims 1-31 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and requests that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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